

REMARKS/ARGUMENTS

The office action of February 23, 2004 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-16, 18-19, 21, 26-30, 33-37 and 40-49 remain in this application. New claim 50 has been added.

Information Disclosure Statement Issues

Applicants filed an Information Disclosure Statement on February 5, 2003 and did not receive with the current office action an initialed copy of the PTO Form 1449 making the art cited therein of record. Applicants respectfully request that the Examiner return an initialed copy of the PTO Form 1449 filed February 5, 2003 with the next communication in connection with the instant application. Also, Applicants have discovered that they have not received an initialed copy of page 3 of the PTO Form 1449 which accompanied the Information Disclosure Statement filed with the instant application. Instead, applicants received an initialed copy of page 2 and two copies of page 1. Accordingly, Applicants respectfully request the Examiner to return an initialed copy of page 3 of the PTO Form 1449 filed with the instant application in the next communication for the instant application.

Also, the Examiner apparently examining the instant application and related application serial no. 09/804,383 concurrently as evidenced by the closeness of the mailing dates of the office actions in these applications, inadvertently commingled the PTO Form 1449 filed in the related application with the instant application. Specifically, the office action, mailed December 18, 2002 in the instant application, returned to the undersigned PTO Form 1449 identifying serial number 09/804,383 and not the instant application. Namely, Examiner initialed copies of the PTO Form 1449s filed with the Information Disclosure Statements dated July 2, 2001 and July 13, 2001 were not returned to the undersigned with the December 18, 2002 office action. Rather, an initialed copy of the PTO Form 1449 filed with the Information Disclosure Statement dated July 13, 2001 in related application serial number 09/804,383 was returned (essentially citing the same references as identified in the PTO Form 1449s provided in the instant application). In

addition, an initialed copy of the PTO Form 1449 filed with the Information Disclosure Statement on May 24, 2002 in the related application was returned with December 18, 2002 office action instead of an initialed copy of the PTO Form 1449 filed with the Information Disclosure Statement on May 24, 2002 in the instant application. In view of the above, applicants respectfully request that the Examiner return initialed copies of the PTO Form 1449s filed with the Information Disclosure Statements in the instant application on July 2, 2001, July 13, 2001 and May 24, 2002.

Finally, the initialed copies of the PTO Form 1449s for related application serial number 09/804,383 returned to the undersigned with the December 18, 2002 office action in the instant application were not returned with the December 24, 2002 office action in the related application and have yet to be provided to the undersigned in those proceedings.

Amendments

Claim 37 has been amended to improve the clarity of the invention and new claim 50 has been added. Claim 40 has been amended to explicitly recite a condition which was implicit in the claim and thus was amended to improve clarity and not for reasons related to patentability.

Obviousness-type Double Patenting

Claims 1, 5-7, 9-10, 12, 14, 16, 21, 26-28, 30, 33-37 and 40 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of co-pending application serial no. 09/804,383. While not acquiescing in this rejection, to expedite prosecution applicants are submitting a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection over a Pending Second Application.

Section 103 Rejection

Claims 1-16, 18-19, 21, 26-30, 33-37 and 40-49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 5,831,597 to West et al. ("West") in view of U.S. patent no. 5,995,101 to Clark et al. ("Clark"). Applicants respectfully traverse this rejection.

To show the claimed combination of features found in each of independent claims 1, 5, 6, 7, 9, 10, 12, 14, 16, 21, 26-28, 30 and 33-37, the action relies on the combination of West and

Clark. Apparently, the action alleges that West discloses all the features of these claims, but for displaying a display widget providing status information associated with a respective device. To overcome this deficiency, the action asserts that Clark discloses a graphical display, which provides information in the form of a tool tip when a user points with a pointing device to an area of the graphical display associated with a particular function of a program. Then, the action contends that it would have been obvious to modify West to incorporate the display of Clark including a tool tip for providing detailed information about functions associated with icon or other control areas appearing in computer user interfaces (i.e., graphical user interfaces).

Notwithstanding the propriety of the combination of West and Clark, the combination does not result in the invention of claims independent claims 1, 5, 6, 7, 9, 10, 12, 14, 16, 21, 26-28, 30 and 33-37. West describes a computer input device 250 used in conjunction with a mouse 254. The input device includes a multi-layer body including a planar upper surface layer for receiving the mouse and permitting the mouse to operate on the device's surface. Col. 1, lines 53-57. Capacitive touch sensors are located in the body for detecting when a capacitive body (e.g., a fingertip) comes into proximity of one of the sensors. Col. 1, lines 57-63. Clark describes a graphical user interface (GUI) including a cursor that allows a user to point to an area of interest in the graphical display. Abstract, lines 1-3. A tool tip can provide a first level of information in the graphical display when the user points to the area of interest and then provide a second level of information in the display if the user continues to point to the area of interest. Abstract, lines 4-9; col. 1, lines 46-53.

Contrary to the action's assertion, Clark neither teaches nor suggests displaying a display widget providing status information associated with a respective device (e.g., control knob (claim 1); auxiliary control (claims 5, 7, 9, 10, 12, 14, 21, 26-28, 30 and 33-37); control switch (claim 6); joystick or wheel (claim 16)). Rather Clark merely describes providing a tool tip associated with an area of interest in the graphical display. Thus, at most the combination of West and Clark results in a system where a tool tip associated with an area (an icon or other control area) appearing in the graphical user interface pointed to by a pointing device would be

displayed when a user touches the pointing device for a period of time. Various implementations of the applicants' invention provide a novel and non-obvious methodology providing the user with the ability to determine the status of auxiliary controls.

Independent claims 1, 5, 6, 7, 9, 10, 12, 14, 16, 26-28, 30 and 33-37 are patentably distinct from the combination of West and Clark for at least the aforementioned reasons, and further in view of the additional novel and non-obvious features recited therein. For example, independent claim 5 calls for in a first context, displaying a first display widget on the display screen responsive to the step of detecting, the first display widget providing status information associated with the auxiliary control in the first context; and in a second context different from the first context, displaying a second display widget on the display screen responsive to the detecting, the second display widget providing status information associated with the auxiliary control in the second context. Thus, in illustrative implementations of the claim 5 invention context sensitive feedback (in the form of a display widget) for an auxiliary control can be provided, responsive to, for example, detection of a user's hand. Contexts of an auxiliary control may include different types of applications (see claim 27) such as games, utility, and productivity applications. Also, contexts may change within various portions of an application or game. Clark is wholly devoid of such a teaching or suggestion.

In addition, some of the claims recite providing specific types of status information associated with the auxiliary control, which are wholly absent from both West and Clark including, among others, 1) status information identifying at least one of track name, track time remaining, track length, album title and album length in a multimedia application (claim 7); 2) status information relating to a game (claim 10); 3) the status information identifying currently running applications (claim 12); 4) status information including a task bar (claim 14); 5) messaging related information (claim 28); 6) when a web browser is an active application, the status information including at least one of the most recently used searches, at least one of the most recently obtained search results, identification of previous and next web pages which may be visited, list of favorite web pages, and current page loading information; 7) status information

provides printer status information (claim 33); 8) status information identifies contents of a clipboard (claim 34); 9) status information identifies at least one of time, date, location, file type and size of most recently saved file (claim 35); 10) status information identifies the result if a mathematical operator is applied to data in a spreadsheet (claim 36); and 11) status information identifying settings for the auxiliary control device (claim 37).

Claims 2-4 (depend from claim 1), claim 8 (depends from claim 7), claim 11 (depends from claim 10), claim 13 (depends from claim 12), claims 15, 18, 19, 48 and 49 (depend from claim 5), and claim 29 (depends from claim 28) are each allowable over the combination of West and Clark for the same reasons as their base claim, and further in view of the novel and non-obvious features recited therein. For example, claim 10 calls for the first auxiliary control to be a headset or microphone. Also, claim 29 calls for status information including one of the number of new or unread regular or high priority messages, an in box window, brief information regarding at least one of the most recently received messages, and alert status.

Independent claim 40 calls for, among other features, detecting a physical presence proximate to or contacting the input device for a first predefined period in which the input device maintains a current control state and information is displayed on the display screen; and causing the information displayed on the display screen to disappear responsive to the step of detecting. The combination of West and Clark as applied in the action involves displaying information (i.e., a tool tip) responsive to detecting a user proximate to a pointing device. Nowhere does the action, much less West or Clark, suggest that information displayed on the display screen disappears responsive to detecting a physical presence proximate to or contacting the input device. For at least this reason, the combination of West and Clark does not result in the claim 40 invention. Claims 41-47, which ultimately depend from claim 40, are considered allowable over the applied art for the same reasons as their base claim and further in view of the advantageous features recited therein.

Appln. No.: 09/804,496
Amendment dated April 30, 2004
Reply to Office Action of February 23, 2004

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

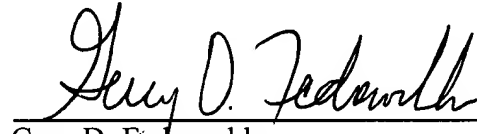
All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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